

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

KHAN LASHONE MAYS

PLAINTIFF

V.

NO. 3:14CV00259-JMV

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

FINAL JUDGMENT

This cause is before the Court on Plaintiff's complaint for judicial review of a partially unfavorable final decision of the Commissioner of the Social Security Administration regarding claims for a period of disability and Disability Insurance Benefits and Supplemental Security Income. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. The Court, having reviewed the administrative record, the briefs of the parties, and the applicable law and having heard oral argument, finds as follows, to-wit:

Consistent with the Court's ruling from the bench during oral argument, the Court finds the ALJ's residual functional capacity assessment ("RFC") is not supported by substantial evidence in the record. First, from all indications, the ALJ did not consider the June 2013 mental Medical Source Statement prepared by Dr. Jorge Leal (Exhibit 16F). Second, the findings and opinions expressed in the August 2013 treatment records and physical Medical Source Statement of Dr. Pravin Patel contradict the ALJ's physical RFC assessment, which is based on a state agency non-examining physician's opinion (and which physician did not have the benefit of Dr. Patel's findings). On remand, the ALJ shall consider all of the evidence in the record—being careful to adequately resolve all conflicts in the evidence and explain such resolution in any

decision—and make a new RFC determination. The ALJ shall conduct a new hearing and obtain vocational expert testimony relevant to the issue of whether the claimant can perform any work in the national economy. The ALJ may conduct any additional proceedings not inconsistent with this order.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this case is **REMANDED** for further proceedings.

This, the 15th day of October, 2015.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE